

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JIMMY FANFAN, :
Plaintiff, :
: 21 Civ. 704 (LGS)
-against- :
: ORDER OF SERVICE
DR. DANIEL KAUFMAN, et al., :
Defendants. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff is proceeding pro se and *in forma pauperis* (“IFP”). (Dkt. No. 4.)

WHEREAS, the United States Attorney for the Southern District of New York provided the following address for Mr. Ysmael Joaquin:

Mr. Ysmael Joaquin
Health Services Department
150 Park Row,
New York, NY 10007

(Dkt. No. 19.)

WHEREAS, because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (“the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.”). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within ninety days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and complaint until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until ninety days after the date the summons is issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*,

682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshal's failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendant Mr. Ysmael Joaquin through the U.S. Marshals Service, the Clerk of Court is respectfully directed to complete a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Mr. Ysmael Joaquin, whose address is:

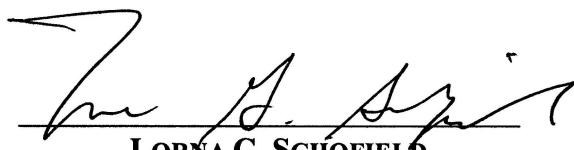
Mr. Ysmael Joaquin
Health Services Department
150 Park Row,
New York, NY 10007

The Clerk of Court is further instructed to (1) issue a summons and deliver to the U.S. Marshals Service all documents necessary to effect service on Dr. Kaufman, and (2) to mail a copy of this Order to Plaintiff at the following address:

Jimmy FanFan (#90863-053)
Metropolitan Detention Center
80 29th Street
Brooklyn, NY 11232

and note service on the docket.

Dated: September 10, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE